

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 13-00279-01-CR-W-DW
	)	
MARK L. FLAAEN,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is Magistrate Judge Robert E. Larsen's Report and Recommendation (Doc. 64) regarding Defendant's Motion to Suppress Physical Evidence (Doc. 11). Pursuant to Rule 59(b)(2) of the Federal Rules of Criminal Procedure, any written objections to Judge Larsen's proposed findings and recommendation were originally due on or before June 23, 2015. On June 23, 2015, on defense counsel's motion, the Court extended the deadline to file objections to July 23, 2015. To date, however, no objections have been filed.<sup>1</sup> Consequently, Defendant has waived his right to review by a district judge of the findings and recommendation. See FED. R. CRIM. P. 59(b)(2). A district judge, however, may review a magistrate judge's recommendation "whether or not objections are timely filed." See FED. R. CRIM. P. 59 Advisory Committee Notes (2005 Adoption). After an independent and discretionary review of the record and the applicable law, the Court agrees with Judge Larsen's findings of fact and conclusions of law and accepts his recommendation. Accordingly, IT IS ORDERED that:

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<sup>1</sup> The Court notes that on July 20, 2015, defense counsel John Gromowsky was granted leave to withdraw and John Osgood was appointed to represent Defendant. See Order (Doc. 87). Over 14 days have passed since Mr. Osgood was appointed as defense counsel, however, with no further action by Defendant.

1. The Report and Recommendation (Doc. 64) is adopted and shall be attached to and made a part of this Order; and

2. Defendant's Motion to Suppress Physical Evidence (Doc. 11) is DENIED.

SO ORDERED.

Date: August 6, 2015

/s/ Dean Whipple  
Dean Whipple  
United States District Judge